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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,377	11/26/2001	Mark E. Fauver	UNIV0130	8210
25268	7590	04/20/2004	EXAMINER HEALY, BRIAN	
LAW OFFICES OF RONALD M ANDERSON 600 108TH AVE, NE SUITE 507 BELLEVUE, WA 98004			ART UNIT 2874	PAPER NUMBER

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/994,377	Applicant(s) FAUVER ET AL.	
	Examiner Brian M. Healy	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-27 and 29-31 is/are allowed.
- 6) ☒ Claim(s) 1,8-17,32 and 38-45 is/are rejected.
- 7) ☒ Claim(s) 2-7,18 and 33-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO 1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,8 -17,32 and 38-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Seibel, U.S. Patent Application Publication No. U.S. 2001/0055462A1 (Note the difference in inventive entity).

Seibel teaches (Figs.1-12) a scanner comprising: a waveguide 164 having a distal end and a proximal end with the distal end being formed to have a non-linear taper 166 that decreases in size along a longitudinal axis of the waveguide towards a distal tip of the waveguide 167,168; a scanning actuator 206 disposed adjacent to the waveguide with the scanning actuator driving the waveguide to vibrate the distal tip in a desired scanning motion; and a control circuit 472,462 that is coupled to the scanning

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actuator with the control circuit being adapted to selectively energize the scanning actuator to move the distal tip of the waveguide so as to scan a field of view, which clearly, fully meets Applicant's claimed limitations.

Allowable Subject Matter

Applicant has canceled claim 28.

Claims 19-27 and 29-31 are allowed over the prior art of record. None of the references of record teaches or suggests a method of creating a hinge in a light guide comprising the steps of providing a waveguide with a tapered portion, heating a material along the tapered portion to produce a hinge, reducing the cross-sectional area size of the tapered portion at the point; cooling the tapered portion to an ambient temperature so that the waveguide is more readily bendable at the hinge than at other portions of the tapered portions of the tapered section when driven by an applied force, The hinge portion can be formed by a fluid including an etchable acid layer. An optic lens can be formed at the end of the waveguide by placing a drop of adhesive at the end of a waveguide and rotating the waveguide end to produce a lens shape which is then cured. These features are recited in claims 19-26,27 and 29-31.

Claims 2-7, 18, and 33-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the references of record includes a scanner including a waveguide distal sections of different radii around the longitudinal axis with each section having a different resonance when driven by a

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scanning actuator. These limitations are recited in claims 2-7, and 18. None of the references of record further comprising a step of applying a (centrifugal rotational) force (after heating the distal end) to shape the micro-lens so as to achieve the desired optical properties while using optical monitoring. These limitations are recited in claims 33-37.

Response to Argument

*Applicant's arguments in response to the previous rejection filed 3/2/04, is moot in view of the new grounds for rejection. Claims 10 and 13 were previously indicated as allowable subject matter, however the allowability of these claims is withdrawn in view of the present rejection. **This office action has not been made final.***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-2347.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernik can be reached on (571)272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian M. Healy
Primary Examiner
Art Unit 2874



Brian Healy
Primary Examiner